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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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A. Resolutions

1994/1. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991, 1992/3 of 14 February 1992 and 1993/3 of 19 February 1993 which, inter alia, reaffirmed the illegality of the Israeli settlements in the occupied territories,

Gravely concerned at the establishment by the Israeli Government of settlers in the occupied territories, which may change the physical character and demographic composition of the occupied territories,

Welcoming the positive development which originated with the International Peace Conference on the Middle East, convened at Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed by the Israeli Government and the Palestine Liberation Organization on 13 September 1993, as well as all the efforts for the creation of a peaceful and stable environment in the Middle East,

Noting the report submitted by the Special Rapporteur pursuant to resolution 1993/2A of 19 February 1993 (E/CN.4/1994/14) and referring to information provided to him on confiscation of land by the Israeli authorities before and after the signing of the Declaration of Principles on 13 September 1993,

Convinced that a complete cessation by Israel of its policy of settlement would constitute, especially at the present stage of the process, a meaningful contribution to the creation of a peaceful and stable environment,

1. Reaffirms that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of

the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Regrets that the Government of Israel has not fully complied with the provisions of Commission on Human Rights resolutions 1990/1, 1991/3, 1992/3 and 1993/3;

3. Urges the Government of Israel to abstain from installing any settlers in the occupied territories.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 49 to 1, with 1 abstention.]

1994/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and the continued Israeli military occupation, and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988, 44/2 of 6 October 1989, 45/74 F of 11 December 1990, 46/47 F of 9 December 1991, 47/70 F of 14 December 1992 and 48/41 D of 10 December 1993,

Recalling also General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant resolutions in which the Assembly, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from the Arab territories occupied since 1967,

Recalling further General Assembly resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations and the relevant resolutions of the Security Council and the General Assembly, and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/48/557) and, in this connection, deploring Israel's constant refusal to cooperate with and to receive the Special Committee,

Expressing its grave alarm, after considering the above-mentioned report of the Special Committee, over Israel's flagrant and persistent violations of human rights in the Syrian and other Arab territories occupied since 1967, despite the resolutions of the Security Council and the General Assembly which repeatedly called upon Israel to put an end to such occupation,

Reaffirming its previous relevant resolutions, the most recent being resolution 1993/1 of 19 February 1993,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and for its practices of annexation, establishment of settlements, confiscation of lands and diversion of water resources and imposing a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of serving the objectives of occupation, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-first session;

7. Decides to include in the provisional agenda of its fifty-first session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

30th meeting
18 February 1994
[Adopted by a roll-call vote of 25 votes to 1, with 25 abstentions.]

1994/3. Question of the violation of human rights in the occupied Arab territories, including Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Taking note with appreciation of the report of the Special Rapporteur, Mr. René Felber, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993 (E/CN.4/1994/14),

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, whereby violations of human rights

will end through the full withdrawal of Israeli forces from the occupied Palestinian territories,

Recalling all its previous resolutions on the subject,

1. Deeply regrets the continued violations of human rights in the occupied Palestinian territory since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993;

2. Condemns the continued violations of the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them; the imposition of restrictive economic measures; the demolition of houses; the expropriation of houses; collective punishment; arbitrary and administrative detention of thousands of Palestinians without trial; the confiscation of property of Palestinians; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Israeli settlements in the occupied Palestinian territory;

3. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law, and its commitments to the provisions of the Charter and resolutions of the United Nations;

4. Also calls upon Israel to withdraw from the Palestinian territory, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on

the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-first session;

6. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

7. Decides to consider the question at its fifty-first session as a matter of priority.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 26 to 3, with 23 abstentions.]

B

The Commission on Human Rights,

Recalling Security Council resolutions related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, which call for Israel's commitment to them,

Recalling all relevant General Assembly resolutions on the applicability to the occupied Palestinian territory of the Convention which urge Israel's commitment to and respect for their provisions,

Recalling also the decisions of the International Conference of the Red Cross and the International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993) in respect of the application of the Convention in all circumstances and the statements of the International Committee of the Red Cross which condemn the continuous serious violations by Israel of the provisions of the Convention and its refusal to apply those provisions in the occupied territories,

Recalling further the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Taking into account that States parties to the Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

Recalling all its previous resolutions on the subject,

1. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and that Israel's long-standing refusal to apply the Convention to those territories had led to the perpetration by the Israeli authorities of grave violations of human rights against Palestinian citizens, and calls upon Israel to comply with its international commitments, to respect the Convention and to apply it in the occupied Palestinian territory, including Jerusalem;

2. Urges once more all States parties to the Convention to make every effort to ensure the Israeli occupation authorities' respect for and compliance with the provisions of the Convention in the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and to undertake the necessary practical measures to ensure the provision of international protection for the Palestinian people under occupation, in accordance with the provisions of article 1 and other relevant articles of the Convention;

3. Strongly condemns once more the refusal of Israel to apply the Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israel's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and detention camps and its continued deliberate disregard for the provisions of the Convention, in contravention of resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

4. Calls upon Israel to allow those who have been deported since 1967 to return to their homeland without delay in implementation of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations and non-governmental organizations, and to report on progress in its implementation by the Government of Israel to the Commission on Human Rights at its fifty-first session;

6. Decides to consider the question at its fifty-first session as a matter of high priority.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 26 to 1,
with 25 abstentions.]

1994/4. Middle East peace process

The Commission of Human Rights,

Recalling General Assembly resolution 48/58 on the Middle East peace process, adopted on 14 December 1993,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

Stressing that the achievement of a comprehensive and lasting settlement of the Middle East conflict will constitute a significant contribution to the strengthening of international peace and security, and is an indispensable condition for the furthering of human rights in the region,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993,

1. Stresses the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital for the full implementation of human rights in the area;

3. Welcomes the peace process started at Madrid and supports the subsequent bilateral negotiations;

4. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation

Organization, and the Agreement between Israel and Jordan on the Common Agenda, which constitute an important initial step in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement agreements reached;

5. Considers that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 48 to 2, with 2 abstentions.]

1994/5. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970, in accordance with the Charter of the United Nations,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action adopted by the United Nations World Conference on Human Rights, and in particular Part I, paragraphs 2 and 3 relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Noting Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the

principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1976 to 1993, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Expressing its grave concern at the persistence of Israel in preventing by force the Palestinian people from enjoying their inalienable rights, in particular their right to self-determination,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle and a grave violation of human rights according to part I, paragraph 30 of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which has constituted the core of the Arab-Israeli conflict since 1948,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, aimed at enabling the Palestinian people to

achieve their national rights and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967 by military force, including Jerusalem, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right of self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-first session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda for its fifty-first session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 26 to 1, with 25 abstentions.]

1994/6. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1993/17 of 26 February 1993,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Conference of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Taking note of the adoption of resolution 809 (1993) by the Security Council on 2 March 1993,

Noting the letter dated 4 August 1993 from the President of the Security Council addressed to the Secretary-General (S/26239),

Considering that the holding of talks between the two parties in Laayoune from 17 to 19 July 1993 is a positive development,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/48/23 (Part V), chapter IX),

Having also examined the report of the Secretary-General (A/48/426),

1. Takes note with appreciation of the report of the Secretary-General;

2. Pays tribute to the Secretary-General and his Special Representative for their action with a view to settling the question of Western Sahara through the implementation of the settlement plan;

3. Reaffirms its support for the efforts which the Secretary-General will continue to make for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with resolutions 658

(1990) and 690 (1991), in which the Security Council adopted the settlement plan for the question of Western Sahara;

4. Endorses the content of the letter dated 4 August 1993 (S/26239) from the President of the Security Council addressed to the Secretary-General, in which the members of the Security Council among other things fully support the Secretary-General's efforts to make early progress on the preparations for holding the referendum in accordance with Council resolution 809 (1993), note that the Identification Commission has begun preparatory work, welcome the reaffirmation by the two parties of their commitment to the implementation of the peace plan in its entirety, and, in particular, their encouraging responses to his compromise proposal concerning the interpretation and application of the criteria, and share the Secretary-General's hope that direct talks between the two parties will soon resume;

5. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its forty-ninth session;

6. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-first session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

30th meeting
18 February 1994
[Adopted without a vote.]

1994/7. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the

principle of the non-use of force or threat of use of force in international relations as developed in the Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Recognizing that mercenaries are used for activities which violate these principles,

Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States,

Concerned at the grave menace that the increasing activities of mercenaries represent for many States, particularly African States,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economies of affected States, in the southern African region and elsewhere,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

1. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1994/23) on the use of mercenaries and the concern expressed therein at the continuation of the activities of mercenaries despite resolution 1993/5 of 19 February 1993 of the Commission;

2. Reaffirms that the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States;

3. Urges all States to prevent mercenaries from using any part of their territories to destabilize or to threaten the territorial integrity of any sovereign State;

4. Calls upon all States that have not yet done so to consider taking early action to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Requests the Special Rapporteur to report to the Commission at its fifty-first session on all further developments on the use of mercenaries, wherever that may occur;

6. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

7. Requests the Special Rapporteur to make specific recommendations on effective measures to combat the activities of mercenaries;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate.

30th meeting
18 February 1994
[Adopted by 35 votes to 1, with 15 abstentions.]

1994/8. Monitoring and assisting the transition to democracy in South Africa

The Commission on Human Rights,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/6 of 21 August 1992,

Taking note of Economic and Social Council resolution 1993/45 of 28 July 1993 in which the Council authorized the Sub-Commission to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa,

Conscious of General Assembly resolution 48/1 of 8 October 1993 on the lifting of economic sanctions against South Africa and resolution 48/159 of 20 December 1993 on the elimination of apartheid and establishment of a united, democratic and non-racial South Africa in which the Assembly called upon all Governments to observe fully the mandatory arms embargo imposed by the Security Council,

Welcoming the progress made so far by the Government of South Africa towards the holding of the first non-racial elections,

Having considered the report of the Special Rapporteur (E/CN.4/Sub.2/1993/11/Add.1) highlighting the progress made so far by the Government of South Africa and the likely impediments to a smooth transition to democracy in South Africa,

Concerned about the danger posed by the continuing incidence of violence and political intolerance which might impede the smooth transition to democracy,

Mindful of the other impediments to the smooth democratization of South Africa including, inter alia, the legacy of apartheid which denied the majority of Africans equal access to the realization of their economic, social, cultural, civil and political rights,

1. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/Sub.2/1993/11/Add.1) on the positive developments in South Africa;

2. Stresses the importance of the removal of all obstacles to the transition to democratic rule in South Africa;

3. Also stresses the need for the Government of South Africa to create an environment conducive to the realization by the individual of his/her economic, social and cultural rights and the exercise of his/her civil and political rights;

4. Calls upon all States to comply fully with the arms embargo imposed by the Security Council on South Africa until the Security Council decides otherwise;

5. Endorses all the recommendations of the Special Rapporteur contained in her report and requests the Secretary-General to ensure their speedy implementation;

6. Calls upon the Centre for Human Rights to make available, on request, its programme of advisory services and technical assistance to the democratically elected Government of South Africa;

7. Requests the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insights into the whole process of transition to democracy in South Africa and to report to the Commission at its fifty-first session;

8. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out this mandate;

9. Decides, in view of the changing situation in South Africa, to replace the agenda item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa" with an item entitled "Monitoring and assisting the transition to democracy in South Africa";

10. Also decides to consider the issues to be raised by the Special Rapporteur in her report to the fifty-first session of the Commission under the new agenda item.

30th meeting
18 February 1994
[Adopted without a vote.]

1994/9. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1993/11 of 26 February 1993,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960,

Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973, on the First Decade for Action to Combat Racism and Racial Discrimination, and 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and related intolerance,

Welcoming also the decision by the Economic and Social Council to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Bearing in mind the measures taken by the South African authorities to repeal or amend the major laws which had constituted the pillars of apartheid, as

well as the progress made towards the establishment of a democratic, non-racial and united South Africa,

Convinced of the need to ensure and support the peaceful transition towards a democratic and non-racial South Africa,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware that indigenous people are at times victims of particular forms of racism and racial discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim a Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Taking note of the Secretary-General's note (E/CN.4/1994/63) transmitting the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

1. Declares that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting

from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

5. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

6. Invites the Secretary-General to take action to coordinate all the programmes currently being carried out by United Nations bodies with a view to achieving the objectives of the Third Decade;

7. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

8. Also requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Calls upon all member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families as a matter of priority, with a view to its soon being able to enter into force;

10. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous peoples;

11. Requests the Secretary-General to publish and distribute as soon as possible the revised model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination;

12. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

13. Regrets that some of the activities scheduled for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

14. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

15. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

16. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

17. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1994-1995;

19. Takes note of the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/48/423);

20. Recommends that the activities mentioned in the report of the Secretary-General be undertaken during the Third Decade to Combat Racism and Racial Discrimination and be reviewed at mid-term;

21. Welcomes the establishment of a focal point within the United Nations Centre for Human Rights, which will be responsible for reviewing information concerning activities carried out within the framework of the Third Decade and making specific recommendations on activities to be undertaken;

22. Requests the Secretary-General to submit to the Commission on Human Rights a detailed annual report on:

(a) all activities of United Nations bodies and the specialized agencies, analysing information received on such activities to combat racism and racial discrimination;

(b) measures to be taken to improve the coordination of the activities of the Programme of Action or to supplement, on the basis of the discussions in plenary, the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

23. Recalls how important it is to assign the highest priority to the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination aimed at monitoring the transition from apartheid to a non-racial society in South Africa;

24. Calls upon all Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by adopting effective measures to support and ensure the peaceful transition to a non-racial and democratic society in South Africa;

25. Decides to consider at its fifty-first session, as a matter of high priority, the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

30th meeting
18 February 1994
[Adopted without a vote.]

1994/10. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1989/5 of 23 February 1989, 1990/26 of 27 February 1990, 1991/21 of 1 March 1991, 1992/19 of 28 February 1992 and 1993/9 of 26 February 1993,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in resolution S-16/1 of 14 December 1989, and the need for the full implementation of its provisions,

Recalling also the report of the Special Committee against Apartheid (A/48/22), the fourth report of the Secretary-General on progress made in the implementation of the Declaration (A/48/691), as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on the questions relating to South Africa (A/48/467 and Add.1) and on the concerted and effective measures aimed at eradicating apartheid (A/46/499),

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15),

Welcoming the positive political developments that have taken place within the framework of the resumed multi-party negotiations providing for the holding of elections on 26-28 April 1994 and the establishment of the Transitional Executive Council, the finalization of the Constitution for the Transitional Period and the subsequent measures to create the Independent Electoral Commission and the Independent Broadcasting Authority,

Welcoming also the endorsement by the parties in the multi-party negotiations of the Constitution for the Transitional Period and the Electoral Bill,

Noting with satisfaction that in the Constitution for the Transitional Period cognizance has been taken of the large number of international instruments in respect of human rights,

Noting that while positive measures have been taken by the Government of South Africa, including the repeal of some major apartheid laws and the revision of the security legislation, important obstacles to the achievement of a climate conducive to the exercise of free political activity still remain,

Noting also that while positive steps have been taken by the Government of South Africa towards changing the racial education system, many obstacles still persist,

Gravely concerned that persistent violence continues to threaten and to undermine the process of peaceful change through peaceful elections due to take place on 26-28 April 1994,

Stressing the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord, and emphasizing the need for all parties to cooperate in combating violence, exercising restraint and taking part in the forthcoming elections,

Welcoming the adoption of part I, paragraph 16 and part II, paragraph 19 of the Vienna Declaration and Programme of Action by the World Conference on Human Rights in which the World Conference welcomed the progress made in dismantling apartheid and deplored the continuing acts of violence aimed at undermining the quest for a peaceful dismantling of apartheid,

Welcoming also the enhanced attention given by the international community to the question of violence in South Africa and especially the deployment in South Africa of observers from the United Nations, the Organization of African Unity, the Commonwealth and the European Union to further the purposes of the National Peace Accord and the forthcoming elections,

Welcoming further the positive development of granting citizenship to the inhabitants of the so-called "homelands", while noting that reforms aimed at incorporating them in the legal, political and administrative framework of South Africa have yet to be fully implemented,

Concerned that detention without charge remains possible in law, for example under sections 29 and 50 of the Internal Security Act, as well as under the Public Safety Act,

Stressing the importance of the powers exercised by the Minister of Law and Order to declare unrest and to impose emergency regulations being subjected to control by the Transitional Executive Council,

Deeply concerned that certain right-wing parties and/or the Freedom Alliance and some territories have threatened to boycott the forthcoming elections,

Gravely disturbed at the socio-economic inequalities in South Africa and at the accumulated negative impact of apartheid on the social, economic and cultural rights of the majority of the people of South Africa, with particularly harmful effects on women and children,

Welcoming the successful negotiations between the Government of South Africa and the main parties concerned aimed at working out modalities for a non-racial, democratic constitution and the creation of the Transitional Executive Council,

Recognizing the important role the international community and the Centre for Human Rights could play in assisting the new Government and the people of South Africa in overcoming the legacy of apartheid and promoting respect for all human rights, including civil, cultural, economic, political and social rights,

1. Takes note of the interim report of the Ad Hoc Working Group of Experts on southern Africa, and commends the Working Group for the updated documentation of the situation of human rights in South Africa;

2. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and their right to establish a non-racial, democratic system which is consistent with the International Bill of Human Rights;

3. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

4. Also calls upon all parties to refrain from further acts of violence;

5. Strongly urges the Government of South Africa to implement fully the recommendations of the Commission of Enquiry into Public Violence and Intimidation (the Goldstone Commission) and to cooperate with that Commission with a view to carrying out further investigations into the functioning and operation of the security forces and other existing armed units;

6. Commends the Secretary-General for the measures taken to address areas of concern relating to the elections scheduled for 26-28 April 1994, and invites him to accelerate contingency planning for the role of the United Nations;

7. Supports the recommendations of the Secretary-General for the deployment of observers in South Africa to further the purposes of the National

Peace Accord, and urges him to continue to address all the areas of concern noted in his reports which fall within the purview of the United Nations;

8. Urges all parties to implement as a matter of urgency the agreement to grant a general unconditional amnesty to all those sentenced for anti-apartheid activities which are regarded as politically motivated;

9. Appeals to the international community to assist and enhance the role of humanitarian and human rights groups in extending assistance to victims of apartheid and released political prisoners and in monitoring the situation of human rights in South Africa;

10. Urges the South African authorities to expedite the legal and administrative measures to abolish speedily and unconditionally all the remaining "homelands" and the "bantustan system" and reincorporate them in South Africa, and to ensure that the populations in those territories can freely participate in the elections and that all political parties will be able to conduct election campaigns without fear of intimidation;

11. Also urges the South African authorities to ensure that no parties are permitted to disrupt the democratic process leading to the elections scheduled for 26-28 April 1994 and to ensure that an adequate number of electoral booths are installed throughout the territory of South Africa;

12. Further urges the South African authorities to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership in order to create an atmosphere of lasting stability in South Africa;

13. Urges once again the South African authorities to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce without delay that legislation in the areas of education, health, housing, social welfare and domestic and farm work;

14. Invites the new Government of South Africa to adopt and ratify the important international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to those it has already signed;

15. Calls for the replacement of the present racial education system with a non-racial education system;

16. Calls upon the international community to support through appropriate measures the fragile and critical process of transition under way in South Africa;

17. Reiterates the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo, as decided in Security Council resolutions 418 (1977) of 4 November 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986;

18. Urges all parties in South Africa, including those which did not participate fully in the multi-party negotiations, to respect agreements reached during the talks, to recommit themselves to democratic principles, to take part in the elections and to resolve outstanding issues by peaceful means only;

19. Strongly urges the international community, following the adoption by the General Assembly of resolution 48/1 on 8 October 1993, to respond generously and positively to the appeal by the people of South Africa for assistance in the economic reconstruction of their country and to ensure that the new South Africa begins its existence on a firm economic basis;

20. Supports the efforts of the Secretary-General, together with all the parties concerned, to implement effectively plans for the role of the United Nations in the election process in coordination with the observer missions of the Organization of African Unity, the Commonwealth, the European Union and observers from non-governmental organizations;

21. Urges the Government of South Africa, together with all parties, to create a fair and impartial judiciary and to rehabilitate, develop and train a new police force whose primary role would be to maintain law and order;

22. Calls upon the Centre for Human Rights to respond at the appropriate time, as guided by the Secretary-General, to the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolutions 47/116 A of 18 December 1992 and 48/159 A of 20 December 1993;

23. Calls for the definitive abolition of sections 29 and 50 of the Internal Security Act and other remaining repressive regulations such as the Public Safety Act of 1953 which are inconsistent with the new democratic society of South Africa;

24. Requests the Centre for Human Rights to place at the disposal of the new Government and the people of South Africa its experience in advisory services to assist in the preparation of a programme of technical cooperation in the field of human rights aimed at promoting respect for all human rights, overcoming the legacy of apartheid, raising the capacity of members of the disadvantaged communities, with particular attention to women and children, and strengthening democratic institutions, especially through education, training and information;

25. Requests the bodies and agencies of the United Nations system to contribute to the preparation and implementation of a programme of technical cooperation in the field of human rights and social and economic development, including the programme of the International Labour Organisation, in order to change the labour laws so that they are in conformity with the international labour standards;

26. Requests the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, infringements of trade-union rights, as well as the situation of women and children;

27. Welcomes the invitation by the Government of South Africa to the Ad Hoc Working Group of Experts to visit South Africa later this year to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa;

28. Requests the South African authorities to guarantee free and confidential access to any individual and organization and to provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action;

29. Requests the Ad Hoc Working Group of Experts to submit a preliminary report to the General Assembly at its forty-ninth session and its final report to the Commission on Human Rights at its fifty-first session.

31st meeting
18 February 1994
[Adopted without a vote.]

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Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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1994/11. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling further General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992 and 1993/40 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991/59, annex),

Having in mind also the considerations of the World Bank contained in the publication World Debt Tables 1991-1992 (vol. 1) of December 1991, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization of economic, social and cultural rights,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries, and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting with regret the negative effects of the policies adopted to face situations of external debt on the enjoyment of economic social and cultural rights,

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992 and 1993/12 of 26 February 1993,

1. Stresses the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

2. Also stresses the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial debt owed by developing countries;

3. Emphasizes that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development;

4. Affirms that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

5. Requests the Working Group on the Right to Development to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights;

6. Requests the Secretary-General to submit, in a process of high-level consultations with heads of State or Government, heads of the multilateral financial institutions and specialized agencies, as well as intergovernmental and non-governmental organizations, a report to the Commission on Human Rights at its fifty-first session on the adequate measures to be implemented in order to find a durable solution to the debt crisis of developing countries so that they may fully enjoy all human rights;

7. Decides to continue to consider, at its fifty-first session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural

Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt,

economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

41st meeting
25 February 1994

[Adopted by a roll-call vote of 31 to 12, with 8 abstentions.]

1994/12. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that in the Charter of the United Nations the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged

individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of all human rights are essential if all individuals are to participate freely and responsibly in the development of the society in which they live,

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, emphasizing that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must be accorded high priority by the international community, and reaffirming that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve a better understanding of extreme poverty and its causes, including those related to the problems of development, in order to promote the human rights of the poorest, to put an end to extreme poverty and social exclusion and to promote the enjoyment of social progress,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, its resolution 1992/11 of 21 February 1992, and its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty.

Recalling also General Assembly resolution 47/134 of 18 December 1992, entitled "Human rights and extreme poverty", which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for complete and in-depth study of extreme poverty based on the experience and thoughts of the poorest,

Recalling decision 1991/6, entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized

that a more thorough knowledge of the situation of the poorest children and their families is needed, as well as decision 1993/8, entitled "UNICEF programmes for the urban poor", which underlines the importance and urgency of the problems that children living in urban areas meet with and the need to focus on innovative solutions recommended by the poorest themselves to cope with the situation,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all countries of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/82 of 8 December 1989, in which the Assembly proclaimed 1994 the International Year of the Family,

Emphasizing furthermore the importance of the World Summit on Social Development, which will take place in Copenhagen in March 1995, for the discussion on poverty,

Mindful of the Secretary-General's reports on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2, and E/CN.4/Sub.2/1992/50),

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

5. Welcomes the fact that the Committee on the Rights of the Child, at its fourth session, gave attention to the situation of children living in extreme poverty and their families during its discussions on the economic exploitation of children and in its message on the occasion of the International Day for the Elimination of Poverty;

6. Encourages the Committee on the Rights of the Child to continue to take into account, in its discussions and work, the situation of children living in extreme poverty, with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child;

7. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty, including the very large number of women and children in this situation, endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

8. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/35 of 25 August 1993, taking note of the preliminary report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1993/16);

9. Approves the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October 1994;

10. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

11. Also invites the Special Rapporteur to give attention within the framework of his mandate to the interrelationship between the family, combating extreme poverty, and observance of the human rights of the poorest;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including as appropriate, assistance from those with experience of the subject;

13. Welcomes the events organized by the United Nations to celebrate the International Day for the Elimination of Poverty on 17 October, which, in conformity with the wishes expressed by the Commission on Human Rights in its resolution 1993/13, focused on the poorest and gave due attention to events already organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty";

14. Invites States, United Nations bodies and other intergovernmental and non-governmental organizations, to give due attention, in celebrating the International Day for the Elimination of Poverty, to the relationship between extreme poverty and human rights and to the situation of the poorest, who must be the focus of events;

15. Decides to examine this question at its fifty-first session under agenda item 7.

41st meeting
25 February 1994
[Adopted without a vote.]

1994/13. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990,

Recalling also its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recalling especially resolution 1993/21 of 4 March 1993, in which it decided to conclude its consideration of the right to own property at its fiftieth session,

Recognizing that there exist in the world many forms of property ownership,

Wishing to strengthen further within the framework of the United Nations the protection of the rights of women, in accordance with its resolution 1993/46 of 8 March 1993, by combating gender-based discrimination in the matter of the right to own property,

Taking note of the final report of the independent expert (E/CN.4/1994/19 and Add.1),

1. Welcomes the final report of the independent expert regarding the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. Expresses its appreciation to the independent expert for his report, the continuation of his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. Commends the efforts made by the independent expert to implement resolution 1993/46 by including in his report information on the failure in many parts of the world to protect the equal rights of women to own property;

4. Recommends that all relevant United Nations bodies take into consideration the recommendations of the independent expert;

5. Concludes its consideration of this matter.

41st meeting
25 February 1994
[Adopted without a vote.]

1994/14. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/36 of 25 August 1993 on promoting the realization of the right to adequate housing,

Recalling its decision 1993/103 of 4 March 1993,

Welcoming the progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15),

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the human rights implications arising from the right to adequate housing;

2. Invites the Special Rapporteur to submit a second progress report to the Sub-Commission at its forty-sixth session;

3. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his mandate;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/14 of 25 February 1994 and decision 1993/103 of 4 March 1993, as well as resolutions 1993/36 of 25 August 1993 and 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the working paper (E/CN.4/Sub.2/1992/15) and the progress report on the right to adequate housing (E/CN.4/Sub.2/1993/15) submitted by the Special Rapporteur of the Sub-Commission, Mr. Rajindar Sachar,

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

2. Requests the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his study;

4. Urges the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject.

41st meeting
25 February 1994
[Adopted without a vote.]

1994/15. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling its resolution 1993/15 of 26 February 1993 and General Assembly resolution 48/119 of 20 December 1993,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1994/67),

Recalling the entry into force on 11 July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Welcoming the fact that recent ratifications of or accessions to the Covenants have increased the total number of States parties to each of them quite significantly, while noting at the same time that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action, and taking into account in particular the

call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede to them and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Encourages States to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States

parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Also welcomes the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as

possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the first Optional Protocol, as well as one additional week of meetings during 1994, as an extended session;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-first session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations.

18. Decides to include in the provisional agenda of its fifty-first session the agenda item entitled "Status of the International Covenants on Human Rights".

41st meeting
25 February 1994
[Adopted without a vote.]

1994/16. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Recalling its resolution 1993/23 of 5 March 1993,

Bearing in mind relevant decisions of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination on succession issues, in respect of international obligations in the field of human rights,

Taking note of the report of the Secretary-General (E/CN.4/1994/68) on action taken for the implementation of Commission on Human Rights resolution 1993/23,

Welcoming the recommendation of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols,

Emphasizing once again the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State and noting in this connection the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms,

Taking note of progress made in the confirmation by some successor States of their obligations under international human rights treaties,

1. Reiterates its call to successor States which have not yet done so to confirm to appropriate depositories that they continue to be bound by obligations under international human rights treaties;

2. Emphasizes the special nature of the human rights treaties aimed at the protection of human rights and fundamental freedoms;

3. Requests the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations;

4. Requests the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence;

5. Requests the Secretary-General to report to the Commission at its fifty-first session in regard to action taken under this agenda item;

6. Decides to continue the consideration of this question at its fifty-first session under the agenda item entitled "Status of the International Covenants on Human Rights".

41st meeting
25 February 1994
[Adopted without a vote.]

1994/17. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, urges all States to guarantee the protection of the human rights of all migrant workers and their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of the Their Families, contained in the annex to the resolution,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1993/89 of 10 March 1993, the Commission requested the Secretary-General to submit to it at its fiftieth session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/62);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to sign and ratify or accede to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Decides to include in the provisional agenda for the fifty-first session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

41st meeting
25 February 1994
[Adopted by a roll-call vote of 39 to none, with 13 abstentions.]

1994/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 48/128 of 20 December 1993, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling the Declaration and Programme of Action, adopted by the World Conference on Human Rights, in which the World Conference invited all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance with respect to religion or belief,

Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief, including acts of violence, occur in many

parts of the world, as evidenced in the report of the Special Rapporteur, Mr. Abdelfattah Amor (E/CN.4/1994/79),

Reaffirming the dismay and condemnation expressed by the World Conference on Human Rights at the continued occurrence of gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights, including religious intolerance,

Conscious that incidents of discrimination and intolerance carried out by persons or groups on the grounds of religion or belief continue to occur in many parts of the world,

Noting with concern that, in many parts of the world, acts of violence motivated by religious extremism in all its forms threaten the enjoyment of human rights and fundamental freedoms,

Believing that further efforts are, therefore, required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the fiftieth session of the Commission;

3. Notes with concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance of religion and belief and upon religious extremism, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. Condemns all such acts, including those motivated by religious extremism in all its forms, as well as practices of discrimination against women;

5. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

6. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

7. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

9. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

10. Also calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

11. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;

12. Reiterates its invitation to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

13. Encourages the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend appropriate remedial measures;

14. Also encourages the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance;

15. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

16. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights;

17. Encourages the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard;

18. Welcomes General Comment No. 22 (48) adopted by the Human Rights Committee on 20 July 1993 on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

19. Endorses the view of the Human Rights Committee that the right to freedom of thought, conscience and religion is far-reaching and profound;

20. Emphasizes that, as underlined by the Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

21. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and invites them to consider what further contribution they could make to its implementation and its dissemination;

22. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

23. Requests the Secretary-General to provide all necessary assistance and resources to the Special Rapporteur to enable him to carry out his mandate and to report to the Commission at its fifty-first session;

24. Also requests the Secretary-General to report to the Commission at its fifty-first session on measures taken to implement the present resolution;

25. Decides to continue its consideration of the question at its fifty-first session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

42nd meeting
25 February 1994
[Adopted without a vote.]

1994/19. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolutions 48/120 of 20 December 1993 and 1993/16 of 26 February 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 48/120 reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in that connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992 of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 and 12 to 16 October 1992, respectively,

Noting the meeting, in the framework of the World Conference on Human Rights, of persons chairing treaty bodies with those persons chairing each of the principal regional and other human rights bodies,

Noting with satisfaction the interim report of the updated study by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly that

the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action,

Recalling that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of treaty bodies,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

1. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

2. Calls upon all States parties to fulfil without delay and in full their outstanding financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Welcomes the report of the Secretary-General on the implementation of the conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies (A/48/508) and the Vienna Statement of the International Human Rights Treaty Bodies adopted at the meeting, held in the framework of the World Conference on Human Rights, of the chairpersons of treaty bodies with those persons chairing each of the principal regional and other human rights bodies;

4. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

5. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

6. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures, as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

7. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending designating specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

8. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end:

(a) Reiterates its request that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

(c) Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance;

9. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

10. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

11. Recommends that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports;

12. Invites the persons chairing the human rights treaty bodies at their next meeting to consider means of ensuring information exchange and cooperation among the treaty bodies regarding their practice relating to the human rights of women;

13. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission at its fifty-first session and to the General Assembly at its forty-ninth session;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Also requests the Secretary-General to ensure that recent reports of States parties to treaty-monitoring bodies, the summary records of committee discussions pertaining to them, as well as concluding observations and final

comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

16. Further requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies;

17. Decides to consider the question on a priority basis at its fifty-first session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
25 February 1995
[Adopted without a vote.]

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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

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The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, which has underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the

right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Welcoming the decision taken by the General Assembly, in its resolution 47/92 of 16 December 1992, to convene a World Summit for Social Development, to take place at Copenhagen in 1995, which will have among its objectives to put the needs of people at the centre of development and of international cooperation and to identify common problems of socially marginalized and disadvantaged groups and promote their integration into society,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1993/14 of 26 February 1993,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the

effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of the Committee's decision to hold in 1994 two general discussions, on the role of social safety nets as a means of protecting economic, social and cultural rights with particular reference to situations involving major structural adjustment and/or transition to a free market economy, and on human rights education and public information activities;

4. Encourages States parties to continue to give their full support and cooperation to the Committee and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

5. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty Bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4);

6. Takes note of the steps taken by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the right of individuals or groups to submit communications concerning non-compliance with the Covenant, and invites the Committee to report thereon to the Commission on Human Rights at its fifty-first session;

7. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action;

8. Notes the conclusions and recommendations of the Seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993;

9. Recommends that, as a follow-up to the Seminar on indicators, the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, as well as to seek the participation of communities affected by the non-realization of these rights;

11. Invites States parties to the International Covenant on Economic, Social and Cultural Rights, in the light of its article 2 and of General Comment No. 3 (1990) adopted by the Committee on Economic, Social and Cultural Rights (E/1991/23, annex III), to identify specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of the minimum essential levels of each of the rights;

12. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the progress report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/15);

13. Endorses the decision of the Sub-Commission, contained in its resolution 1993/40 of 26 August 1993, to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, particularly economic, social and cultural rights, and income distribution, and encourages the Sub-Commission to continue to give attention to this issue;

14. Takes note with deep appreciation of the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur of

the Sub-Commission, Mr. Danilo Türk, and reaffirms its requests to the Secretary-General to ensure the publication of the study of the Special Rapporteur in a single document;

15. Welcomes the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, in particular by encouraging the participation of the representatives of those institutions in the meetings of the human rights organs;

16. Also welcomes the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as a coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies;

17. Requests the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

18. Also requests the Secretary-General to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

19. Encourages the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means for evaluating and monitoring their realization;

20. Decides to consider issues raised by the present resolution at its fifty-first session under the appropriate agenda item.

46th meeting
1 March 1994

[Adopted by a roll-call vote of 52 to none, with 1 abstention.]

1994/21. The right to development

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter,

Reaffirming also the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the Vienna Declaration and Programme of Action and that the human person is the central subject of development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner and on the same footing, and the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Fully aware of the consensus agreements on "A New Partnership for Development: The Cartagena Commitment" and "A new global partnership for sustainable development" contained, respectively, in the final documents adopted by the United Nations Conference on Trade and Development at its eighth session and by the United Nations Conference on Environment and Development,

Recalling General Assembly resolution 48/130 of 20 December 1993 and its own resolution 1993/22 of 4 March 1993 concerning, inter alia, the establishment of the Working Group on the Right to Development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Convinced of the valuable contribution a widespread campaign to disseminate the provisions of the Declaration on the Right to Development can provide towards the implementation and realization of the Declaration,

Bearing in mind that Governments which have nominated experts as members of the Working Group on the Right to Development may also nominate alternate experts to the Group,

Underlining that the mandate of the High Commissioner for Human Rights includes the promotion and protection of the realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose,

Having considered the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1),

1. Takes note with appreciation of the report of the Working Group on the Right to Development on its first session;

2. Welcomes the efforts made by the Working Group, which are increasingly oriented towards the establishment of a permanent evaluation mechanism in the future, to follow up the implementation of the Declaration on the Right to Development;

3. Reiterates its request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate;

4. Urges the Secretary-General to take the necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development;

5. Welcomes the recommendations of the Working Group on the Right to Development and, in this respect, requests the Secretary-General to:

(a) Invite Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary

guidelines and the check-list contained in annex 1 to the report of the Working Group;

(b) Provide the Centre for Human Rights with a focal unit specially designed to follow up on the Declaration and its implementation, which would collate and analyse information and replies from Member States, intergovernmental and non-governmental organizations, present the results of the work on the right to development to regional or international meetings, including those of all United Nations agencies and international financial institutions with development mandate, and perform such tasks as are assigned to it by the Working Group;

6. Urges the Working Group to make recommendations on the implementation of the right to development, taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries, as well as to give priority to the special needs of the least developed countries;

7. Requests the Secretary-General to convene a joint consultative meeting of the members of the Working Group and the Chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities so as to enrich and discuss their experience in matters of evaluation, criteria of performance and monitoring;

8. Decides that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they can contribute substantially to its work;

9. Recommends that consideration be given to inscribing the question of the right to development on the agenda of forthcoming conferences convened by the United Nations, including in particular the International Conference on Population and Development, the World Summit for Social Development, the Fourth

World Conference on Women: Action for Equality, Development and Peace and the substantive session of the Commission on Sustainable Development;

10. Also recommends that the Assistant Secretary-General for Human Rights suggest that the members of the Administrative Committee on Coordination at their forthcoming regular meeting incorporate the right to development as a major component of the programmes and activities of the Committee;

11. Decides that the Working Group will hold two sessions, each for a two-week period, in May and October 1994 to continue to carry out the mandate of the Group;

12. Recommends to Governments which have nominated experts as members of the Working Group also to nominate alternate experts to the Working Group, if they so wish;

13. Requests the Economic and Social Council at its substantive session for 1994 and the General Assembly at its forty-ninth session, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions contained in the Declaration on the Right to Development;

14. Requests the High Commissioner for Human Rights to promote the implementation of the right to development and the Declaration on the Right to Development, inter alia by working closely with the Working Group on the Right to Development;

15. Urges the High Commissioner for Human Rights to make recommendations towards enhancing the support from relevant bodies of the United Nations system in fulfilment of his mandate to promote and protect the realization of the right to development;

16. Requests the Working Group to submit to the Commission at its fifty-first session a report on the progress of its work during 1994;

17. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the implementation of the present resolution;

18. Decides to consider at its fifty-first session the agenda item entitled "Question of the realization of the right to development".

46th meeting
1 March 1994

[Adopted by a roll-call vote of 42 to 3, with 8 abstentions.]

1994/22. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and taking note of General Assembly resolution 48/138 of 20 December 1993,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Conscious of the need to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration,

Recalling its resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Noting resolutions 1993/42 and 1993/43 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1993,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities, by, inter alia, taking due account of and giving effect to the Declaration,

Noting the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72 and Corr.1 and 2),

Noting with appreciation the final report (E/CN.4/Sub.2/1993/34 and Add.1-4) of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Concerned about the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the State where such persons live,

Mindful of the recommendations contained in part II, paragraphs 25 to 27 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

1. Takes note with appreciation of the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

2. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon States which so wish to consider concluding bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as appropriate;

4. Urges relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the Declaration;

5. Calls upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration;

6. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard, within its mandate, to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and endorses the decision to entrust Mr. Asbjørn Eide, without financial implications, with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

7. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues, human rights, and dispute management, resolution and prevention, and to assist in existing or potential situations involving minorities;

9. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

10. Calls upon States and the Secretary-General respectively to give due regard to the Declaration in training programmes for officials;

11. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof;

12. Requests the Secretary-General to seek views and information from Governments, the specialized agencies, relevant United Nations organs and bodies, regional intergovernmental organizations and bodies and non-governmental organizations and experts in all regions on issues relating to the promotion and implementation of the Declaration and to consider, if necessary, requesting the assistance of an expert or experts and/or other forms of expertise, within the framework of the existing human rights mechanisms, with a view to presenting an analytical report at its next session;

13. Decides to continue consideration of this issue and to consider the analytical report at its fifty-first session under the same agenda item.

46th meeting
1 March 1994
[Adopted without a vote.]

B. Decisions

1994/101. Organization of work

At its 2nd meeting, on 1 February 1994, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala; Mr. P. Nikken, independent expert on the situation of human rights in El Salvador;

(b) In connection with item 4: Mr. R. Felber, Special Rapporteur on the Palestinian territories occupied by Israel;

(c) In connection with item 5: Mr. M.L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa;

(d) In connection with item 6: Mrs. J.S. Attah, Special Rapporteur of the Sub-Commission on monitoring the transition to democracy in South Africa;

(e) In connection with item 7: Mr. L. Valencia Rodríguez, independent expert on the right to own property;

(f) In connection with item 8: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;

(g) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(h) In connection with item 10: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention; Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;

(i) In connection with item 10 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(j) In connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(k) In connection with item 10 (d): Mr. J. Rhenán Segura, Chairman-Rapporteur of the Working Group on a draft optional protocol to the Convention against Torture;

(l) In connection with item 11 (d): Mr. F.M. Deng, Representative of the Secretary-General on the question of internally displaced persons;

(m) In connection with item 12: Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. A. Artucio Rodríguez, Special Rapporteur on the situation of human rights in Equatorial Guinea; Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar; Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba; Mr. T. Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia; Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq; Mr. T. Bruni Celli,

Special Rapporteur on the situation of human rights in Haiti; Mr. G. Biro, Special Rapporteur on the situation of human rights in the Sudan; Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(n) In connection with item 12 (b): Mr. E.H. Guissé. Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 12 (b);

(o) In connection with item 14: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

(p) In connection with item 17: Mr. A.S. Al-Khasawneh, Chairman of the forty-fifth session of the Sub-Commission;

(q) In connection with item 20: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(r) In connection with item 22 (b): Mr. V. Muntarbhorn, Special Rapporteur on the sale of children.